

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

MICHAEL JACOBSON, Special)	
Administrator of the Estate)	
of VIRGINIA A. JACOBSON,)	
Deceased,)	
)	
Plaintiff,)	8:06CV294
)	
v.)	
)	
GASTON CORNU-LABAT, M.D.,)	ORDER
MIDWEST MEDICAL INSURANCE)	
CO., MIDWEST MEDICAL)	
INSURANCE HOLDING COMPANY,)	
and SHERRY K. SHRESTA, M.D.,)	
)	
Defendants.)	
_____)	

This matter is before the Court following the filing by plaintiff of a letter brief in support of amended complaint and in response to order to show cause (Filing No. 10), and plaintiff's first amended complaint (Filing No. 8). The Court notes that plaintiff has requested the issuance of summons which he can serve on defendants, and issuance of summons has been withheld pending a decision as to whether or not the complaint states a claim cognizable in the United States District Court. Having reviewed the original complaint and the amended complaint, the Court finds the clerk's office should issue and forward to plaintiff appropriate summons to be served on defendants in this case. Accordingly,

IT IS ORDERED:

1) The previous order of this Court (Filing No. 7) directing plaintiff to show cause is vacated and set aside.

2) The clerk of court shall issue summons and forward them to plaintiff for service of process.

3) Plaintiff shall have one hundred twenty days from the date of this order to effect service of summons. Plaintiff shall file proof of service of summons with the Court pursuant to Fed. R. Civ. P. 4(1).

DATED this 3rd day of October, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court